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IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S
COMPLIANCE WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF 1996

Docket No. T-00000A-97-0238

AT&T'S COMMENTS ON
HEWLETT PACKARD'S
RECOMMENDATION ON PO-19B
IMPASSE ISSUE AND
RECOMMENDATION REGARDING
SATE PRODUCTS IMPASSE ISSUE

AT&T Communications of the Mountain States, Inc., and TCG Phoenix (collectively "AT&T") hereby file their Comments on the recommendation reports provided by Hewlett Packard ("HPC") which respond to Staff requests on the Arizona TAG impasse issues that have arisen regarding the implementation of Performance Indicator Definition ("PID") PO-19B and the provision of unbundled network elements ("UNE") and resale products in the Qwest Stand Alone Test Environment ("SATE"). PO-19B is the PID proposed by Qwest that is designed to validate the extent to which the SATE mirrors production. Qwest introduced PO-19B at the request of Staff because the scope of PO-19 was found to be so limited that it failed to provide any information that the SATE performs in ways that mirror the production environment processing for pre-order transactions and orders.

I. INTRODUCTION

It is apparent from the HPC reports that Staff requested its assistance in resolving the disputes that occurred on the two issues. No information was circulated to AT&T, or to our

knowledge, any other competitive local exchange carrier ("CLEC"), as to the nature of Staff's request. While Staff is free to solicit advice and assistance from any responsible entity to help it resolve disputes such as these, AT&T expects that such requests would be written and circulated to the TAG and to the parties.

II. THE PO-19B IMPASSE RECOMMENDATION

HPC agrees with AT&T and WorldCom that provisioning additional products to the PO-19B test bed – beyond those that would be in the test bed according to Qwest's procedure – is necessary. It recommends that a new process be established within the SATE User's Group to provide a way for the CLECs to nominate the additional products to be implemented by Qwest. HPC describes the nomination/selection process in some detail in its Conclusion, which imposes duties on Qwest and CLECs to review the products that are (a) in the test bed and (b) those that are in use by CLECs, and to prioritize the addition of products that are in (b) and not in (a). The primary HPC recommendation, if implemented, would result in less product/activity coverage in the PO-19B test bed than Qwest has already committed to maintain. This recommendation does not advance resolution of the Impasse Issue.¹

A. HPC MAKES NO VIABLE RECOMMENDATIONS FOR STAFF'S CONSIDERATION

HPC's recommendation would be harmful to AT&T. To implement the HPC recommendation, AT&T's participation in the SATE User Group would need to be supplemented by representatives that are familiar with and responsible for PID administration, adding considerably to the efforts necessary to work with Qwest on the SATE issues. The SATE

¹ CLECs require a process by which the PO-19B test bed can be modified to include additional test scenarios that are not represented in the 95% profile of Qwest test cases. The test bed modification process proposed by the CLECs would be a collaborative, industry process, managed in conjunction with the CMP.

User Group is unofficially chartered and loosely managed. Additional AT&T staff would be required to attend each SATE User Group meeting on the prospect that PO-19B test bed issues would be discussed or prioritized. This is an unworkable solution for this aspect alone.

It is disappointing that HPC would suggest to Staff that the 95% test bed coverage is too much, and that Staff should adopt its recommendation that only half of the most frequently used product/activity combinations and half of the prioritized less frequently used transaction types be the basis for PO-19B. This apparent offer of a compromise to resolve the need for providing additional test bed coverage for PO-19B has the opposite effect. This aspect is also unworkable.

HPC notes in its Conclusion that the voting process for the SATE User Group prioritization of product/activity combinations should be “similar to the CMP that allows a vote from the community” and “managed similar to the voting process for CMP, but managed in the SATE User Group.” It is unclear what aspects of the CMP voting process HPC is recommending be used because it repeatedly mentions “similar to” the CMP, but fails to identify what the similarities are. Without more specificity as to the voting process components HPC sees as beneficial for use here, the recommendation on voting for the means to identify the prioritization of product/activity combinations to be added to the PO-19B test bed is unworkable.

HPC fails to be any more helpful in its alternate proposal “for the community to agree to a value greater than 95% to calculate the transaction mix.” Throughout the TAG discussions on the PO-19B design, the CLECs consistently asked for additional product/activity coverage for the test bed, and were consistently rebuffed by Qwest, who insisted that 95% is good enough. Suggesting that a higher ratio of test bed to production coverage would be negotiable ignores the reality of the events that brought the impasse.

B. HPC INCORRECTLY INTERPRETS THE AT&T AND WORLDCOM PROPOSAL ON REMOVING DISCONNECT ACTIVITIES FROM THE PO-19B TEST BED.

In Section 1.1 of its Recommendation, HPC discusses the CLECs' suggestion of a different formula to develop the PO-19B test bed. The CLECs' suggestion, as suggested in TAG discussions as a way to avoid the impasse issue, was to calculate the 95% PO-19B test bed coverage in a different way than that proposed by Qwest. The proposal was to have the 95% most frequently used product/activity combinations placed into the PO-19B test bed, except for any of the combinations reflected disconnect activity. The specific LSR activity type -- "D" for disconnections -- would be the way in which they would be culled from the pool of product/activity combinations. The CLECs fully understood the results of their proposal. If the calculation was performed as suggested by the CLECs, the result would be expansion of the product/activity combinations by 31. Processing 47 ordering transactions instead of 16 would greatly improve the coverage of transaction types in PO-19B, without greatly increasing the costs and efforts to maintain the test bed.

C. HPC DOES NOT COMMENT EFFECTIVELY THAT CLECS SHOULD BE ABLE TO REQUEST ADDITIONAL TRANSACTIONS TO BE ADDED TO THE PO-19B TEST BED.

In its Section 1.2, HPC invents a reason to not use the CMP for PO-19B test bed additions by suggesting that the Qwest CMP could not accommodate the addition of related activities. "[T]he Change Management Process would prove time consuming to all parties." The CLEC suggestion discussed in the TAG and noted in the Impasse Statement was to have the PO-19B test bed additions be dealt with *in conjunction* with the CMP. It was not suggested that PO-19B test bed additions become change requests of the type that are sought for IMA and other

OSS modifications. These would stand alone. The CMP provides a forum for CLECs to meet with Qwest on the general issues effecting changes to its OSS and the opportunity to schedule the implementation of changes. To complain that it would be time consuming to have PO-19B modifications dealt with in the CMP ignores the reality that CMP is time consuming by its very nature.

D. HPC PROPOSES A HELPFUL NEW PROCEDURE THAT QWEST SHOULD IMPLEMENT FOR NEW PRODUCT IMPLEMENTATION TESTING IN THE SATE.

HPC recommends that Qwest demonstrate that it has incorporated new products in the SATE by “performing and publishing the results of a production mirror test for new product transactions” in Section 1.3 of its recommendations. AT&T believes the content of the third paragraph in this section has a typographical error and that HPC meant to state: “This will provide the CLECs with assurances that the product transactions work in production as well as [in SATE]; removing the burden from Qwest that errors found on a new product that is not being used by a CLEC would not negatively impact Qwest for PID PO-19B.” This recommendation is one AT&T finds useful and consistent with the general intent of the SATE to be a mirror of production. It is curious that HPC does not offer this recommendation in its Conclusions.

III. THE SATE PRODUCT IMPASSE RECOMMENDATION

HPC agrees with the CLECs that the SATE must accommodate testing for products and services that are being used and that will be used in production. HPC also agrees with Qwest that it should not be obligated to maintain all products in the SATE that are available for use in production. HPC fails to give the Staff a viable way to instruct Qwest on resolving the current

issue of products that are not in the SATE but that CLECs desire to be in the SATE for their pre-production testing. AT&T assumes that this is the issue for which the Staff requested HPC's assistance. The HPC suggestion that a process be established for the CLECs and Qwest to agree on for the implementation in SATE of needed products and services ignores the reason which brought the issue to impasse. Qwest and the CLECs do not agree, and cannot agree, on a process to resolve the impasse, and to suggest that a new process be invented, as complicated and vague as described in Section 1.5 of its report, is no help.

A. HPC IGNORES THE SATE MIRRORING OF PRODUCTION REQUIREMENT

Throughout the third-party test, including the work HPC performed to evaluate the SATE, CLECs have maintained that the Federal Communications Commission ("FCC") has required that Qwest maintain a testing environment for the CLECs that is separate from production, is a mirror of production, and is stable. The record is very clear, compelling, and precise on this issue. The impasse is centered on this fact, yet incredibly, HPC does not consider this to be noteworthy in its analysis for the Staff. It is only because this requirement was ignored that a need arose for the existing products that are available in production to be added to the SATE. Qwest chose which products would and would not be implemented in the SATE, knowing full well that it was omitting products in spite of clear FCC requirements to the contrary.² Now that it has created the discrepancy between production capabilities and CLEC testing capabilities, Qwest wants the Commission to approve its continued disregard of the

² See for example, *In the Matter of Application by SBC Communications Inc., Southwestern Bell Telephone Company and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services In Texas*, CC Docket No. 00-65, Memorandum Opinion and Order, FCC 00-238 (rel. June 30, 2000), ¶ 108

FCC's required mirroring of the two environments. Apparently HPC has fallen for Qwest's arguments that it need not provide mirroring.

HPC's suggested process also would require CLECs to translate marketing plans to the incumbent competitor in the form of product and service forecasts at a level of detail that is so precise that Qwest would gain intimate competitive information in advance of the CLEC's execution on its plans. It imposes a "success" requirement on the CLEC that if not met, would require the CLECs to reimburse Qwest for the costs for developing the SATE requirements that are Qwest's obligations. A CLEC's success in launching a product that is pre-announced to Qwest is likely to be slim, since, according to the HPC suggestion, the CLEC must detail the volumes and types of activities it contemplates. The notion that a CLEC be held to its forecasts after providing its marketing information to the incumbent is unacceptable.

B. HPC AGREES WITH THE CLECS THAT CMP CHANGE REQUESTS SHOULD NOT BE THE METHOD OF RESOLVING THE DISCREPANCIES BETWEEN PRODUCTION AND THE SATE.

As the CLECs have pointed out on several occasions, the CMP is not designed such that a request for a product addition to the SATE will be timely or reasonably implemented. HPC concurs in Section 1.1 of its report.

HP does not believe that this option provides any assurances to the CLEC community that the products that should be available to them in SATE, will be implemented in SATE.

C. HPC IGNORES THE DEFICIENCIES OF THE INTEROPERABILITY ENVIRONMENT FOR CLEC TESTING.

HPC reiterates some of the Qwest claims that the Interoperability Environment can be used by CLECs for new product testing, yet it chooses to ignore the Qwest positions that the

Interoperability Environment is deficient in important ways. Moreover, in Section 1.2 of its Report, HPC seems to believe that the Interoperability Environment will support future testing by CLECs, which is a concept that Qwest has rejected: “Although these findings are focused on the Interop test environment, Qwest has no plans to continue to enhance the Interop environment; Qwest will continue to enhance SATE.”³ CLECs can continue to use the Interoperability Environment for an uncertain period of time. Qwest has expressed its reservations about maintaining both the Interoperability Environment and the SATE and may choose to eliminate the option to use Interoperability in the near future: “Given the current use of the Interop environment, Qwest will continue to make it’s (sic) interoperability testing environment available to CLECs who prefer this method of testing until such time and if this option no longer makes sense to Qwest and the CLECs.”⁴

D. HPC AGREES THAT THE SPECIAL CHANGE REQUEST PROCESS (“SCRP”) IS ILL-SUITED FOR MAKING EXISTING PRODUCT ENHANCEMENTS TO THE SATE.

HPC’s Report at Section 1.3 notes an earlier recommendation that it provided that urged Qwest to seek CLEC input on which products and services that are currently in production should be placed into SATE. Qwest did not implement Qwest’s recommendation, and any notion that a CLEC should have to pay for Qwest to implement the products and services in SATE that are its obligations, unfairly and improperly transfers Qwest’s burden to the CLECs. The CLEC impasse statement discusses this concept thoroughly.

³ Qwest Supplemental Response to KPMG Exception 3029, October 19, 2001.

⁴ Qwest 2nd Supplemental Response to KPMG Exception 3029, November 20, 2001.

E. HPC'S INTERPRETATION OF THE WORDING OF THE QWEST FCC *EX PARTE* COMMITMENT FOR THE STAFF IS FAVORABLE ONLY TO QWEST.

Without any obvious, additional information on the subject matter of the Qwest July 15, 2002, *ex parte* filing at the FCC, HPC comes down on the side of Qwest. Qwest made the following commitment in the July *ex parte*: "Qwest will add to SATE any other error messages or *test scenarios* that a CLEC requests, ten days or less after being approved."⁵ Qwest claims that its commitment does not extend to adding test scenarios that are for products that are not already implemented in the SATE. HPC should provide the parties with the reasons for its interpretations.

F. HPC CRITICIZES THE CLEC SUGGESTION ON PHASED IMPLEMENTATION OF THE PRODUCTS MISSING FROM THE SATE.

HPC, ignoring the mirroring requirement, suggests that the CLEC suggestion of phased implementation would be improper because it would require implementation of products that are not used by CLECs in production and would take too long. Instead, it offers its suggestion that CLECs should divulge product ordering requirements for missing products well in advance of using those products in the market. This suggestion, if adopted by the Commission, would be competitively harmful to CLECs, as discussed above.

HPC fails to recommend the date-certain for Qwest to implement in the SATE "all products that have been ordered by CLECs in production through July 31, 2002." This is a major issue, and it needs to be addressed by HPC.

⁵ Emphasis added.

IV. CONCLUSIONS

While HPC provided input to the Staff for its deliberations on the two impasse issues, it provides little in the way of practical recommendations and, in the case of the SATE Product Impasse, makes a suggestion that is very harmful to CLEC interests. The only worthwhile recommendation is contained in HPC's discussion in Section 1.3 of its PO-19B Impasse recommendation; however, HPC does not urge the Staff to strongly consider its recommendation.

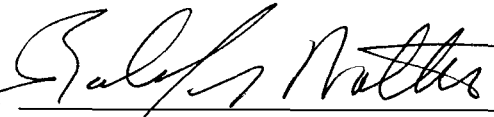
AT&T reminds Staff that the reason these issues were not resolved in the TAG is that Qwest rejected every CLEC suggestion to avoid the impasses. HPC's reports discuss the CLEC proposals and do not discuss Qwest's proposals for the simple reason that there are none. Qwest has created the impasse by its intransigence on these issues and its refusals to consider the benefits of the CLECs' creative suggestions. Perhaps Staff's compliment to Qwest in the OSS test (at ¶ 74) was premature.

In addition to enhancements that have been demonstrated through quantitative measures, significant qualitative changes have been realized as well. Staff perceived Qwest's relationship with the CLECs at the outset of the OSS test as unresponsive, with decisions being made unilaterally by Qwest, and CLEC interests marginalized.

Both of the impasse issues reported on by HPC are the direct result of unilateral Qwest decisions on implementation of CLEC-affecting processes.

Dated this 4th day of September, 2002.

**AT&T COMMUNICATIONS
OF THE MOUNTAIN STATES, INC.,
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